

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
FIRST AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:**DO NOT WRITE IN THIS SPACE**

Case

Date Filed

19-CA-294207

6/29/2022

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employers (1) Aston Carter (2) Nintendo of America, as joint employers		b. Tel. No. (1)(425) 305-3652 (2) (425) 882-2040 c. Cell No.	
d. Address (Street, city, state, and ZIP code) (1) 4900 150th Ave NE, Redmond, WA 98052 (2) 4900 150th Ave NE, Redmond, WA 98052		e. Employer Representative (1) Taren Butcher, Deputy General Counsel (2) Don James, Vice President f. Fax No. g. e-mail (1) tbutcher@astoncarter.com (2) h. Number of workers employed 300	
i. Type of Establishment (factory, mine, wholesaler, etc.) Software & Programming		j. Identify Principal Product or Service Video games	

1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

- (1) About (b) (6), (b) (7)(C) 2022, Aston Carter and Nintendo of America discharged employee (b) (6), (b) (7)(C) because (b) (6), (b) (7)(C) engaged in protected, concerted, and union activities, and in order to discourage employees from engaging in protected, concerted, and/or union activities.
- (2) About (b) (6), (b) (7)(C) 2022, Aston Carter, through On Premise (b) (6), (b) (7)(C), at the behest of Nintendo of America, directed an employee not to discuss the topic of unionization.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

(b) (6), (b) (7)(C)

4a. Address (Street and number, city, state, and ZIP code)

(b) (6), (b) (7)(C)

4b. Tel. No.

4c. Cell No.

(b) (6), (b) (7)(C)

4d. Fax No.

4e. e-mail

(b) (6), (b) (7)(C)

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

(b) (6), (b) (7)(C)

(signature of representative or person making charge)

(b) (6), (b) (7)(C)

(Print/type name and title or office, if any)

Address: (b) (6), (b) (7)(C)

Date: 06/29/2022

Tel. No.

Office, if any, Cell No.

(b) (6), (b) (7)(C)

Fax No.

e-mail

(b) (6), (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 13
Dirksen Federal Building
219 South Dearborn Street, Suite 808
Chicago, IL 60604-2027

Agency Website: www.nlrb.gov
Telephone: (312)353-7570
Fax: (312)886-1341



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June 30, 2022

Taren Butcher, Deputy General Counsel
Aston Carter and Nintendo of America as Joint Employers
4900 150th Ave NE
Redmond, WA 98052

Don James, Vice President
Aston Carter and Nintendo of America as Joint Employers
4900 150th Ave NE
Redmond, WA 98052

Re: Aston Carter and Nintendo of America as
Joint Employers
Case 19-CA-294207

Dear Ms. Butcher, Mr. James:

Enclosed is a copy of the first amended charge that has been filed in this case.

Investigator: This charge is being investigated by Field Attorney Emily O'Neill whose telephone number is (312)886-4884. If the agent is not available, you may contact Supervisory Field Examiner Paul Prokop whose telephone number is (312)353-7171.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,



TIMOTHY L. WATSON
Regional Director

Enclosure: Copy of first amended charge

cc: Richard B. Hankins, Attorney
Perkins Coie LLP
500 N Akard Street, Suite 3300
Dallas, TX 75201-3347

Julie S Lucht, Attorney
Perkins Coie LLP
1201 Third Avenue
Suite 4900
Seattle, WA 98101

Michael Alexander Pratt, Attorney
Perkins Coie LLP
500 N Akard St Ste 3300
Dallas, TX 75201-3347

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100 Park Avenue, Suite 250
Rockville, MD 20850-2624



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June 30, 2022

(b) (6), (b) (7)(C)

Re: Aston Carter and Nintendo of America as
Joint Employers
Case 19-CA-294207

Dear (b) (6), (b) (7)(C):

We have docketed the first amended charge that you filed in this case.

Investigator: This charge is being investigated by Field Attorney Emily O'Neill whose telephone number is (312)886-4884. If the agent is not available, you may contact Supervisory Field Examiner Paul Prokop whose telephone number is (312)353-7171.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in black ink, appearing to read "Timothy L. Watson". The signature is fluid and cursive, with a large initial "T" and a stylized "W".

TIMOTHY L. WATSON
Regional Director